

15

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## REMARKS/ARGUMENTS

SEP 12 2006

1. In the above referenced Office Action, the Examiner issued an election/restriction requirement and divided the claims into 11 species groups. (See the reference office action). The applicant respectfully requests reconsideration of the election/restriction pursuant to 37 CFR § 1.143, provides the reasons therefore below, and provisionally elects claims 1, 6, 16, and 21. If the Examiner rejects the applicant's request for reconsideration, the applicant requests that the Examiner make the election/restriction final so that the applicant may petition the Director to review the requirement for election/restriction.

2. In the present patent application, the claims 1, 9, 16, and 24 are independent claims; where claims 2-8 depend from claim 1, claims 10-15 depend from claim 9, claims 17-23 depend from claim 16, and claims 25-30 depend from claim 24. In the above referenced species grouping, the Examiner has placed claims 1, 6, 16, and 21 in each of specie groups I – VI and has placed claims 9, 13, 24, and 28 in each of specie groups VII-XI.

MPEP 806.04(d) states, in part, “in general, a generic claim ... must comprehend within its confines the organization covered in each of the species”, and MPEP 806.04 (e) states, in part, that “a claim may include two or more of the disclosed embodiments within the breadth and scope of definition (and thus be designated a *generic or genus claim*)”. In accordance with this definition and as grouped by the Examiner, claims 1, 9, 16, and 24 are generic claims. Thus, election to a species in groups I-VI or in groups VII-XI is inappropriate.

Further, 35 USC 112, fourth paragraph, states, in part, “a claim in dependent form shall contain ... a further limitation of the subject matter claimed ... [and] shall be construed to incorporate by reference all the limitations of the claim to which it refers”. In the present patent application, claims 2-8 properly dependent from claim 1, claims 10-15 properly dependent from claim 9, claims 17-23 properly dependent from claim 16, and

16

claims 25-30 properly dependent from claim 24, where each of the independent claims corresponds to at least one disclosed embodiment of the invention. Thus, by definition, dependent claims 2-8, 10-15, 17-23, and 25-30 provide additional limitations to the at least one embodiment covered by independent claims 1, 9, 16, and 24. As such, independent claims 1, 9, 16, and 24 and dependent claims 2-8, 10-15, 17-23, and 25-30 are providing varying breadth and/or scope of definition of the at least one disclosed embodiment.

MPEP 806.03 states, in part, "where the claims of an application define the same essential characteristics of a *single* disclosed embodiment of an invention, restriction therebetween should never be required. This is because the claims are but different definitions of the same disclosed subject matter, varying in breadth or scope of definition".

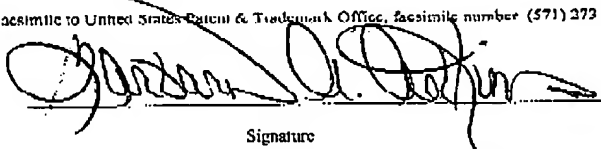
Accordingly, claim 1-30 should not be subject to restriction since they are different definitions of the same disclosed subject matter, varying in breadth or scope of definition.

17

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

RESPECTFULLY SUBMITTED,

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